

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
STATESVILLE DIVISION  
CRIMINAL DOCKET NO.: 5:05CR238**

**UNITED STATES OF AMERICA**

**vs.**

**RICKY J. LYALL,**

**Defendant.**

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**ORDER**

**THIS MATTER** is before the Court on the Government's "Motion to Quash Deposition Subpoenas," filed December 13, 2005.


The Government advises the Court that on December 12, 2005, it received copies of two deposition subpoenas served on the Custodian of Records, Alleghany County Sheriff's Department, Sparta, North Carolina, which were issued by defense counsel, Kenneth P. Andresen. These subpoenas request the presence of the Custodian of Records at a deposition scheduled for December 14, 2005, and commands that the Custodian of Records bring any and all records in the possession of the Alleghany County Sheriff's Department in regard to Leah J. Jarrett and Ronald R. Billings. The Government asks the Court to quash these subpoenas for failure to comply with Rules 15 and 17 of the Federal Rules of Criminal Procedure.

Defense counsel did not file a motion requesting the right to depose a prospective witness, nor was reasonable notice of such depositions provided to the Government. *See* Fed. R. Crim. P. 15(a)(1), (b). Therefore, for reasons stated in the Government's Motion and pursuant to Rules 15 and 17 of the Federal Rules of Criminal Procedure, the Court finds that compliance with the subpoenas would be unreasonable or oppressive. Fed. R. Crim. P. 17(c)(2). Defense counsel is advised to review the Federal Rules of Criminal Procedure prior to issuing any further subpoenas

in this matter.

**IT IS, THEREFORE, ORDERED** that the Government's Motion to Quash Deposition Subpoenas is hereby **GRANTED**. Accordingly, the subpoenas issued by defense counsel to the Custodian of Records, Alleghany County Sheriff's Department, Sparta, North Carolina are hereby **QUASHED**.

**Signed: December 13, 2005**

A handwritten signature in black ink, reading "Richard L. Voorhees". The signature is written in a cursive style with a horizontal line underneath the text.

Richard L. Voorhees  
United States District Judge



